(83)

HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (C) No. 5013 of 2007

PETITIONER Bhagwat Kumar Son of Shri Amrit Prasad, aged about 32years, Caste Lohar, Resident of Village Targawan, Post Kasara, Tahsil Baikunthpur, District Koriya (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh, Through: The Secretary, Department of Panchayat and Social Welfare, D.K.S. Bhawan, Raipur (C.G.)
2. The Collector, Koriya, District Koriya (C.G.)
3. The Sub Divisional Officer, Baikunthpur, District Koriya (C.G.)
4. The Chief Executive Officer, Janpad Panchayat Baikunthpur, District Koriya (C.G.)
5. Gram Panchayat Targawan, Through: The Sarpanch, Janpad Panchayat Baikunthpur, District Surguja (C.G.)
6. Ritesh Kumar Sharma, Son of Shri Rameshwar Sharma, aged about 33 years, Caste Brahmin (Selected Panchayat Karmi), Resident of Village Targawan, Post Kasara, Tahsil Baikunthpur, District Koriya (C.G.)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

Appearance:

Shri A.K. Shukla, counsel for the petitioner.

Shri Satish Gupta, Dy. Govt. Advocate for the State/respondents No.1,2 & 3 on advance copy.

Shri Mahendra Dubey, counsel for respondent No.6. He states that he has filed a Caveat Petition, but the same has not been annexed with this petition.

ORAL ORDER
(21.11.2007)

(84)

SUNIL KUMAR SINHA, J.

Heard.

The petitioner, who was a candidate for appointment to the post of Panchayat Karmi, has challenged the legality of the resolution dated 21/6/2007 (Annexure P/2), by which, after considering the names of 8 candidates, name of respondent No.6 has been recommended by the Gram Sabha.

Learned counsel for the petitioner submits that according to the prevailing rules, quorum etc. were not complete and the resolution has not been passed in accordance with the rules.

Needless to say that the matter of appointment of Panchayat Karmi in the concerned Gram Panchayat has not attained finality at this stage, the same is under process and the petition has been filed only after passing of the resolution by the Gram Sabha, as both the parties admit that till date, no appointment orders have been issued in favour of any candidate.

In this view of the matter, I am not inclined to entertain this writ petition at this inter-mediate stage, as the process of appointment is still going on.

However, I deem it proper to dispose of this petition with a direction to the petitioner to bring all these facts to the knowledge of the concerned Collector, who will examine the matter regarding quorum etc. in accordance with the prevailing rules applicable for resolution of a Gram Sabha.

With the aforesaid observation, this petition stands finally disposed of. No order as to cost.

Sd/-
Sunil Kumar Sinha
Judge

Shyna